

REMARKS

Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1 - 6 are cancelled without prejudice or disclaimer.

Claims 1 – 6 stand rejected under 35 USC § 112, 1<sup>st</sup> paragraph and under 35 USC, 2<sup>nd</sup> paragraph. This rejection is traversed.

Claim 14 which is presented in lieu of cancelled claim 1, now recites that the “circulating electrolyte” is an essential feature of the electrochemical cell. Support for this amendment can be found at paragraph [0038] of the published application.

In former claim 1, the following language appeared, “means for exchanging heat...”; in new claim 14, it now reads:

*“external heat exchanger for the circulating electrolyte fluctuating into porous electrode and flowing into the electrochemical cell.”*

Support for the foregoing is to be found in the “means – plus – function” language of former claim 1.

Claim 14 now clearly states that the component of the electrochemical cell is able to *“exchange heat between the porous electrodes of the cell modules and an external heat source through the electrolyte fluctuating into the electrochemical cell.”*

In view of the foregoing, the rejections under 35 USC § 112, first paragraph and second paragraph, have both been overcome and, accordingly, the rejection should be withdrawn.

The presently pending claims are 14 – 19.

Claim 1 stands rejected under 35 USC § 103(a) as being unpatentable over Kelly (US 4,042,481) in view of Bousquet (FR 1452701) and Parenti, Jr. et al. (US 3,905,884). This rejection is respectfully traversed.

Kelly US '481, the primary reference does not teach that the electrolyte is "circulating". Indeed the electrolyte in US '481 is "non-circulating". In fact, the electrolyte is static, and the anode and cathode are immersed in the electrolyte contained in the cell. A vibration system positioned at the bottom of the cell agitates the electrolyte inside the cell.

Therefore, Kelly fails to teach that the electrolyte is circulating, that a cyclic pressure variation is generated by the pressure modulator in the circulating fluid, and that an external heat exchanger has been set for the circulating electrolyte fluctuating into porous electrode and flowing into the electrochemical cell.

The Examiner relies on the Bousquet and Parenti references to remedy the deficiencies in the teaching of Kelly. These two references are directed to the solution of an entirely different technical problem than that addressed in the claimed invention. Consequently, the claims distinguish over the combination of Kelly, Bousquet and Parenti since the combined references would not provide a solution to the technical problem of increasing the cell yields. Accordingly, since the Examiner has failed to establish a *prima facie* case of obviousness under § 103(a) by a preponderance of the evidence, the rejection is deemed to have been overcome and its withdrawal is solicited.

Claim 2 stands rejected under § 103(a) over Kelly '481 in view of Bousquet '701 and Parenti '884 and in further view of the article by Kordesch et al. This rejection is respectfully traversed.

Since claim 15 (former claim 2) depends from independent claim 14, and thus incorporates all the limitations thereof, this claim is also deemed to distinguish over the art applied against claim 14 (former claim 1), notwithstanding the teachings of Kordesch et al. The teachings of Kordesch cannot serve to ameliorate the enumerated deficiencies in the teachings of the combined references. Accordingly, since claim 15 distinguishes over the art of record, this rejection is also deemed to have been overcome and its withdrawal is solicited.

The issuance of a Notice of Allowance is respectfully requested.

Please charge any fees which may be due which have not been submitted  
herewith to our Deposit Account No. 01-0035.

Respectfully submitted,

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